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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the First day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) No.9951 of 2017

RAJASEKAR ... PETITIONER/ACCUSED

Vs

STATE REPRESENTED BY,
THE SPECIAL SUB-INSPECTOR OF POLICE,
KODAIKANNAL POLICE STATION,
DINDIGUL.
CRIME NO.177 OF 2016. ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.C.S.RAVICHANDRAN Advocate
For Respondent : MR.C.RAMESH, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 324, 323, 294(b), 354 and 506(i) I.P.C., in Crime No.177 of 2016, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that while the defacto complainant and the petitioner were taking water on the pavement of the defacto complainant's house, due to wordy quarrel, the petitioner had assaulted the defacto complainant with iron rod on her head and attempted to torn the nighty of the defacto complainant.

3.The learned counsel for the petitioner submitted that the petitioner and the defacto complainant are relatives and due to the previous motive, the petitioner has been falsely implicated in this case and the petitioner is no way connected in the crime as alleged by the prosecution. He further submitted that it is a case and case in counter and to escape from the compliant in Crime No.178 of 2017, the defacto complainant had given this false complaint against the petitioner.

4.The learned Additional Public Prosecutor submitted that after investigation, final report has already been filed in Crime No.177 of 2016.

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5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kodaikanal, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent Police as and when required for interrogation.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].**

sd/-
01/08/2017

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,KODAIKANAL, DINDIGUL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

3 THE SPECIAL SUB-INSPECTOR OF POLICE,
KODAIKANNAL POLICE STATION, DINDIGUL.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.S.RAVICHANDRAN Advocate SR.No.27711

PJL
CSL/RR-BS/SAR-I/03.08.2017 : 2P/6C

ORDER
IN
CRL OP(MD) No.9951 of 2017
Date :01/08/2017

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